

REMARKS

This application has been carefully reviewed in light of the Official Action mailed December 22, 2004. Claims 3 and 11 are amended above. Claims 1-13 remain pending in this case. Applicant thanks the Examiner for the indication that claims 5-10 are in condition for allowance and that claims 4, 12, and 13 are allowable except that they are dependent upon a rejected base claim. Applicant respectfully requests reconsideration of this application and favorable action on all the remaining claims in this case in view of these amendments and the following remarks.

The Examiner rejected claims 3 and 11 under the second paragraph of 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. With respect to claim 3, the Examiner noted that the reference to "said openings" in claim 3 lacks antecedent basis. Claim 3 is amended above to correct a typographical error and to eliminate the antecedent basis issue. With respect to claim 11, the Examiner objected to the term "body" as being indefinite. Claim 11 is amended above to delete the term "body". For these reasons, claims 3 and 11 now fully meet the requirements of the second paragraph of 35 U.S.C. 112.

The Examiner provisionally rejected claims 1-3 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of co-pending U.S. Application No. 10/706,105, which is commonly owned with the subject application. Applicant respectfully submits that, after the amendments above, the provisional obviousness-type double patenting rejection based on U.S. Application Serial No. 10/706,105 is the only rejection remaining in the subject application. Applicant also notes that no official action has been mailed to date in U.S. Application Serial No. 10/706,105. Pursuant to MPEP 804(I)(B) and 1490, Applicant respectfully requests the Examiner to withdraw this provisional rejection, permit the subject application to issue to patent, and, if necessary, apply the obviousness-type double patenting rejection in U.S. Application Serial No. 10/706,105.

The Commissioner is hereby authorized to charge the following fee amounts required or credit any overpayment associated with the filing of this Amendment to **Deposit Account No. 501051 of Alcon, Inc.:**

- 1) The fee amount of \$1020.00 for the Petition for Extension of Time for three

(3) months, from March 22, 2005 to June 22, 2005, to respond to the Official Action, which is being filed concurrently with this Amendment.

The Commissioner is hereby authorized to charge any other amount required for the filing of this Amendment, or credit any overpayment, to **Deposit Account No. 501051 of Alcon, Inc.**

Should the Examiner have any questions regarding this Amendment, please feel free to contact the undersigned attorney at the phone number listed below.

Respectfully submitted,



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